

35 U.S.C. § 101 Rejections

Claims 1-8, 12, 20, 21, 23, 24, 35, and 40-43 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicant respectfully disagrees. Nevertheless, amendments have been made herein to address the deficiencies alleged by the Examiner. Claims 1-8, 12, 20, 21, 23, 24, 35, and 40-43 as presently recited satisfy the requirements of 35 U.S.C. § 101. Accordingly, the grounds for the rejections under 35 U.S.C. § 101 have been obviated.

35 U.S.C. § 103 Rejections

Claims 1-8, 20, 21, 23, 24, 37, and 40-43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,389,454 to Ralston et al. (“Ralston”) in view of U.S. Patent No. 4,866,611 to Cree et al. (“Cree”).

Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ralston in view of Cree, and in further view of U.S. Patent No. 4,831,552 to Scully et al. (“Scully”).

Applicant makes no representation that cited references are prior art. This response and any remarks or comments included herein are not intended to be, and are not to be interpreted as, an admission that any cited references are prior art. Applicant reserves the right to dispose of any cited reference under 35 U.S.C. § 102 and/or 35 U.S.C. § 103, including but not limited to antedating any one or more of the cited references.

Applicant respectfully disagrees with the above-noted rejections. Nevertheless, in the interest of expediting allowance of the subject application and without conceding the

propriety of the rejections, amendments have been made to the independent claims herein in the spirit of those discussed during the interview on 6/16/2009. Withdrawal of the rejections under 35 U.S.C. § 103 is respectfully requested for at least the reasons presented herein.

The Claims

Claim 1 as amended (portions of the amendment appear in bold/italics) recites a method implemented by a central appointments server comprising:

- *enabling a selection of a service provider from a plurality of service providers accessible via the central appointments server responsive to a request received from a user system over a network to make an on-line appointment during a time period;*
- determining available appointment times within the time period for the selected service provider through use of the central appointments server configured to store calendars for the plurality of service providers, including a first calendar for the selected service provider;
- transmitting the available appointment times obtained from the first calendar to the user system;
- receiving notification of a selection of an appointment time from the available appointment times; and
- responsive to the notification causing a second calendar maintained by the selected service provider separate from the central appointments server to be checked to verify that the selected appointment time is available in the second calendar

In the interview on 6/16/2009, Examiner Loftis suggested subject matter for amendments to overcome the outstanding rejections. In particular, Examiner Loftis suggested amending the claims to incorporate aspects related to searching a directory of service providers to select a service provider. In accordance with this suggestion, claim 1 has been amended to include the feature of “enabling a selection of a service provider

from a plurality of service providers accessible via the central appointments server responsive to a request received from a user system over a network to make an on-line appointment during a time period.” Applicant understood the Examiner as agreeing that incorporation of the subject matter suggested by the Examiner would overcome the references of record.

For at least the foregoing reasons, the proposed combination of Ralston and Cree fails to teach or suggest the subject matter presently recited in claim 1. Thus, claim 1 is allowable and withdrawal of the § 103 rejection is respectfully requested.

Claims 2-8 and 40-43 depend from claim 1, and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 1, are neither taught nor suggested by the cited references.

New Claims 44-50 have been added and also depend from claim 1. Claims 44-50 are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 1, are neither taught nor suggested by the cited references.

For example, **claim 48** recites “wherein enabling the selection comprises exposing a directory of service providers that is searchable via a user system to facilitate the selection.” The references of record fail to teach or suggest a directory of service providers that is searchable via a user system as recited in claim 48. Accordingly, claim 48 is allowable for these additional reasons.

Claim 12 as amended (portions of the amendment appear in bold/italics) recites one or more computer-readable media comprising instructions that, if executed by a server device, cause the server device to provide an on-line scheduling application that is configured to:

- responsive to a request to make an on-line appointment, ***output a user interface configured to accept input of search terms and cause a search of a directory of service providers based on the search terms to facilitate a selection of a service provider from the directory;***
- upon selection of the service provider from the directory, determine available appointment slots for the service provider through use of a central appointments server having access to a central appointment database configured to store a first calendar for at least the service provider;
- transmit the available appointment slots obtained from the first calendar to a user system;
- receive a selected appointment slot from the available appointment slots;
- cause a second calendar maintained by the service provider separately from the first calendar to be checked to verify that the selected appointment slot is available in the second calendar; and
- set an on-line appointment between the user system and the service provider at the selected appointment slot if the selected appointment slot is verified to be available in the second calendar.

In the interview on 6/16/2009, Examiner Loftis suggested subject matter for amendments to overcome the outstanding rejections. In particular, Examiner Loftis suggested amending the claims to incorporate aspects related to searching a directory of service providers to select a service provider. In accordance with this suggestion, claim 12 has been amended to include the feature of “output a user interface configured to accept input of search terms and cause a search of a directory of service providers based on the search terms to facilitate a selection of a service provider from the directory.” Applicant understood the Examiner as agreeing that incorporation of the subject matter suggested by the Examiner would overcome the references of record.

Accordingly, for at least these reasons the proposed combination of Ralston, Cree, and Scully fails to teach or suggest the subject matter presently recited in claim 12. Thus, claim 12 is allowable and withdrawal of the § 103 rejection is respectfully requested.

5 **Claim 20** recites an on-line appointment system comprising [emphasis added]:

- an appointment database configured to store calendars for one or more service providers in memory of the on-line appointment system; and
- an appointment server device configured to:
 - 10 ○ furnish access to the calendars stored by the appointment database via a network to schedule appointments with the one or more service providers;
 - *expose a business directory of service providers that is searchable via a user system to facilitate selection of the one or more service providers to schedule the appointments;*
 - 15 ○ obtain available appointment times for communication to the user system using the calendars stored by the appointment database for the one or more service providers that are selected using the directory;
 - schedule appointments at selected appointment times between the user system and the one or more service providers based on a determination that
 - 20 the selected appointment times are available in one or more local software calendars maintained by the one or more service providers, the one or more local software calendars being separate and distinct from the calendars stored by the appointment database; and
 - 25 ○ thereafter permit confirmation, by the one or more service providers, of the appointments that have been scheduled with the one or more service providers.

30 In the interview on 6/16/2009, Examiner Loftis suggested subject matter for amendments to overcome the outstanding rejections. In particular, Examiner Loftis suggested amending the claims to incorporate aspects related to searching a directory of service providers to select a service provider. In accordance with this suggestion, claim 20 has been amended to include the feature of “an appointment server configured to . . . expose a business directory of service providers that is searchable via a user system to facilitate selection of the one or more service providers to schedule the appointments.”

Applicant understood the Examiner as agreeing that incorporation of the subject matter suggested by the Examiner would overcome the references of record.

Accordingly, for at least these reasons, the proposed combination of Ralston and Cree fails to teach or suggest the subject matter presently recited in claim 20. Thus, claim 20 is allowable over these references and withdrawal of the § 103 rejection is respectfully requested.

Claims 21, 23, 24, and 37 depend from claim 20, and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 20, are neither taught nor suggested by the cited references.

New Claims

New Claims 51-55 have been added. Claims 51-55 are each allowable for their own recited features, which are neither taught nor suggested by the cited references. No new matter is introduced.

Conclusion

The Application is in condition for allowance and the Applicant respectfully requests reconsideration and issuance of the present application. Should any issue remain that prevents immediate issuance of the application, the Examiner is requested to contact the undersigned attorney to discuss the unresolved issue.

Respectfully submitted,

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By: /Daniel T. McGinnity, #55444/

Daniel T. McGinnity, Reg. No. 55444
Attorney for Applicant

Sadler, Breen, Morasch & Colby, PS
422 W. Riverside Avenue, Suite 424
Spokane, Washington 99201
Telephone: (509) 755-7257
Facsimile: (509) 755-7252